

REMARKS

Applicants' representative received a communication from Examiner Le dated 12/13/05, in which it was noted that the Brief on Appeal was rejected as non-compliant (Form PTOL-462), with items 1, 7, 8 and 9 checked. Applicants' undersigned representative contacted Examiner Le shortly after receipt and requested instruction on why each of items 1, 7, 8 and 9 were checked. Examiner Le was unable to explain why items 7, 8 and 9 were checked. She indicated that item 1 was checked because an additional section entitled "Conclusion" was not permitted by the rule 41.37. Applicants representative pointed out that the "Conclusion" section in Applicants Brief was only a single sentence that requested relief, and that nowhere does rule 41.37 prohibit including such a conclusion section. Applicants representative was referred to the section specialist on Briefs, who was contacted and advised that he knew of no such prohibition to the inclusion of a conclusion section. Nevertheless, Applicants representative elected to simply refile the brief with the conclusion section removed. Applicants' representative, while presenting argumentation on behalf the Applicant, at all times conducted himself with appropriate decorum.


Respectfully submitted,

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Date: February 8, 2006